

# Workplace Relations Management Plan

The *Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction* (the Guidelines) may require a tenderer to submit a Workplace Relations Management Plan (WRMP) for some projects

## When is a WRMP required?

A WRMP must accompany any procurement process response (including expressions of interest and tenders) for projects where the NSW Government department or public sector body contribution (directly or indirectly) to a project is \$10 million or more or is at least \$5 million and represents at least 50% of the total construction project value.

The requirement for a WRMP should be clearly expressed in the NSW Government (client agency's) tender documents.

## Who is required to submit a WRMP?

A principal contractor (the respondent) is required to submit a WRMP as part of their bid for the project.

## Does the total value of the project include the design cost?

Yes.

## What sort of information must be included in a WRMP?

A WRMP will generally include information about the following:

- respondent's organisational structure
- industrial relations risks that the project might face
- how the respondent intends to establish the site
- how the respondent will select and manage subcontractors
- how the respondent will establish terms and conditions of employment
- how the respondent will attract, recruit and retain suitable direct labour
- how the respondent will ensure that direct and subcontract employees can be mobilised to the site efficiently and effectively

- how the respondent proposes to achieve labour productivity and value for money objectives of the NSW Government
- how the respondent will measure and report labour productivity and performance
- how the respondent will comply with the freedom of association objectives and right of entry requirements of the Guidelines
- how the respondent will ensure that employee grievances are managed effectively and in accordance with the relevant industrial instrument and the Guidelines
- how the respondent will manage unlawful industrial action
- how the respondent will audit and review the WRMP

A *Model Workplace Relations Management Plan* is available on the NSW Industrial Relations website.

## What is the purpose of the model WRMP?

The *Model Workplace Relations Management Plan* will provide an overall framework for contractors and an indication of what is being sought by the Construction Compliance Unit (CCU). The model is designed to cover a wide range of projects – from a small school through to billion dollar infrastructure projects. For many projects, only parts of the *Model Workplace Relations Management Plan* will be relevant. Contractors should use the *Model Workplace Relations Management Plan* as a guide.

## What if a tenderer has submitted a WRMP previously – will they need to submit another WRMP for a new project which they are tendering for?

Yes. Subject to the value of the project, a separate WRMP must be submitted with each procurement process response.

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## Who will review the WRMP?

The CCU has been established within NSW Industrial Relations to monitor and ensure compliance with the Guidelines. Generally the CCU will only review the WRMP of each shortlisted or invited tenderers, at the tender evaluation stage.

## How will a WRMP be provided to the CCU for assessment?

The WRMP will be provided to the CCU by the client agency. A tenderer should not provide its WRMP to the CCU directly.

## How long will it take the CCU to review the WRMP?

The CCU's aim is to assess each WRMP as quickly as possible. The review process is expected to take 10 – 14 working days, and reassessments may be necessary in the event that a WRMP is considered by the CCU to be inadequate or incomplete.

## What will the CCU consider when assessing a WRMP?

The CCU will review the WRMP in detail to:

- ensure efficiency and continuous improvement measures are in place
- ensure that the contractor has a robust and practical understanding of labour risks and mitigation strategies
- ensure that the contractor has demonstrated the ability to manage the project in compliance with the Guidelines
- satisfy itself that the WRMP can be audited.

Compliance is a pass/fail outcome and not a weighted evaluation criteria. An acceptable WRMP is required before a tenderer is regarded as complying with the NSW Code of Practice for Procurement and the Guidelines for that project.

## For further information

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Website: [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)

## Can a tenderer have feedback on its WRMP?

As the review of submitted WRMPs by the CCU will be limited to those of shortlisted tenderers, only shortlisted tenderers will be entitled to feedback on their WRMP.

If a WRMP is assessed as inadequate, the CCU (through the relevant client agency) will provide the tenderer with feedback on their WRMP, and the tenderer will then have an opportunity to resubmit the WRMP during the tender process. For probity reasons the CCU cannot directly assist contractors involved in any tender process with the NSW Government.

## What happens if a tenderer does not submit an acceptable WRMP?

A tenderer will not be awarded a contract in the absence of an acceptable WRMP. However, tenderers are given an opportunity to resubmit their WRMP if, following initial assessment by the CCU, it is considered inadequate.

## Will a principal contractor be audited against its WRMP?

Yes. A contractor is required to comply with its WRMP. The CCU will be auditing contractors against their WRMP. It is important that contractors do not commit themselves to activities or processes that they cannot deliver.

## What will happen in the event of a breach of the Guidelines?

Depending on the nature of the breach, the CCU will work with applicable parties to achieve voluntary remedial action. Sanctions are a last resort.

## Who should be contacted with queries about the WRMP?

The CCU can provide general guidance in relation to the Guidelines and WRMPs, however, questions about a WRMP which are specific to a tender must be directed to the relevant client agency.